GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes Department – Surprise Check conducted on the Integrated Check Post, Purushottapuram, Ichapuram Mandal, Srikakulam District on 18.01.2014 – Allegations of Corruption – Initiation of Disciplinary Proceedings against Sri Damburu Behara, ACTO, Integrated Check Post, Purushottapuram, Ichapuram Mandal, Srikakulam District under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Article of Charges – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.686 **Dated:27-08-2020**

Read the following:

1. From DG, ACB, Lr.Rc.No.12/DES-VSK/2014, dated 11.05.2018.
2. G.O.Ms.No.234, Revenue (Vig.II) Department, dt.27-08-2020.
3. G.O.Ms.No.236, Revenue (Vig.II) Department, dt.27-08-2020.

******

O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference 2nd read above, it is considered necessary to hold an enquiry against Sri Damburu Behara, Assistant Commercial Tax Officer, Integrated Check Post, Purushottapuram, Ichapuram Mandal, Srikakulam District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Damburu Behara, Assistant Commercial Tax Officer, Integrated Check Post, Purushottapuram, Ichapuram Mandal, Srikakulam District is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Damburu Behara, Assistant Commercial Tax Officer, Integrated Check Post, Purushottapuram, Ichapuram Mandal, Srikakulam District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri Damburu Behara, Assistant Commercial Tax Officer, Integrated Check Post, Purushottapuram, Ichapuram Mandal, Srikakulam District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be

Contd.,2

presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri Damburu Behara, ACTO, Integrated Integrated Check Post, Purushottapuram, Ichapuram Mandal, Srikakulam District (w.e, Annexures-I to IV) through the Chief Commissioner of State Tax, Andhra Pradesh, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to

The Chief Commissioner of State Tax, Andhra Pradesh, Eeedpugallu, Vijayawada.

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.

The Deputy Commissioner, Commercial Taxes, Srikakulam District.

SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI DAMBURU BEHARA S/O RADHAKRISHNA BEHARA, ASSISTANT COMMERCIAL TAX OFFICER, INCHARGE ADMINISTRATIVE OFFICER, INTEGRATED CHECKPOST, PURUSHOTTAPURAM, ICHAPURAM MANDAL, SRIKAKULAM DISTRICT IN SC NO 1/SC-ACB/VZM/2014 OF ACB, VIZIANAGARAM RANGE.

That Sri Damburu Behara, S/o Radhakrishna Behara is a native of M.V.P. Colony, Visakhapatnam. He joined in Government Service on 26-09-1978 as Junior Assistant in Commercial Taxes Department and worked as ACTO from 02-09-2013 at the Integrated Check Post, Purushottapuram of Ichpauram Mandal and committed the following grave mis-conduct in as much as.

CHARGE : -

Sri Damburu Behara, while working as Assistant Commercial Tax Officer and In-charge Administrative Officer on the intervening night of 17/18.01.2014 at Integrated check post, Purushottapuram of Ichapuram Mandal, Srikakulam District failed to supervise the work of his subordinates from 9 PM to 7 AM and failed to maintain absolute integrity and allowed his staff to collect mamools from the crew members of the vehicles, who are passing through the check post.

On the intervening night of 17/18.01.2014 during the surprise check, organized by the ACB officials in the presence of the mediators verified the counters of check post and found unaccountable amount of Rs.1200/- in the cardboard box available at counter-I of commercial tax department which is being operated by Sri Kuna Srinivas, Junior Assistant, Commercial Tax Department. Further it is found that from 4 AM to 7 AM on 18.1.2014, the crew of transport vehicles, who visited the counters of the check post for stamping on their documents relating to their vehicles and materials are paying bribe amounts ranging from Rs.20 to Rs.500/- as a routine practice in addition to the required fee. The amount so collected was found to be of Rs. 4,800/- which was paid as mamools to the officials of the check post at the counter-I of Commercial Tax Department.

Thus it is clear that it is regular practice of collection of bribe at the counters by the officials who worked in the counter from the transport crew passing through the check post.

Thus the Government Servant Sri Damburu Behara by his above mentioned acts has exhibited lack of integrity, devotion to the duty and conduct unbecoming of a Government servant and contravened Rule 3(1) (2) & (5) of APCS (Conduct) Rules, 1964.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI DAMBURU BEHARA S/O RADHAKRISHNA BEHARA, ASSISTANT COMMERCIAL TAX OFFICER, INCHARGE ADMINISTRATIVE OFFICER, INTEGRATED CHECKPOST, PURUSHOTTAPURAM, ICHAPURAM MANDAL, SRIKAKULAM DISTRICT IN SC.NO. 1/SC-ACB/VZM/2014 OF ACB, VIZIANAGARAM RANGE.

Sri Damburu Behara S/o Radhakrishna Behara is a native of M.V.P. Colony, Visakhapatnam. His date of birth is 01-11-1956. He joined in Government Service on 26-09-1978 as Junior Assistant in Commercial Taxes Department at the office of the DCTO, Circle-III, Visakhapatnam. Later he was promoted as ACTO on 01-11- 2011 and posted at the O/o D.C., Commercial Tax Department, Visakhapatnam. He was transferred to integrated check Post, Purushottapuram, Itchapuram on 02-09- 2013 and worked there as such on the date of surprise check i.e. on 29.12.2013. He is drawing a basic pay of Rs.23,040/-. His date of attaining superannuation is on 30-10-2016. He is here-in-after referred as Government Servant.

FACTS AND EVIDENCE:-

On receipt of credible information that the employees of the Commercial Tax Department, Transport Department, the Prohibition and Excise Department, Agriculture Market Committee and the Forest Department working at the integrated check post, purushottapurarn (ltchapuram) Srikakulam District were indulging in corrupt practices and collecting mamools (illegal gratification) from the crew of the transport vehicles passing through the check post and as per the instructions of the Head Office, ACB, AP Hyderabad, a surprise check was organized under the close supervision of DSP, ACB, Vizianagaram Range over the integrated check post, Purushottapuram of Itchapuram Mandal on the intervening night of 17/18.01.2014 from 0030 hrs to 0715 hours in the presence of mediators with the assistance of ACB Inspectors and staff of ACB Vizianagaram Range and found certain irregularities.

When, the DSP and other officials entered into the premises of Integrated Check post, noticed 8 male persons found in the premises of check post, among them 2 male persons found in the outside room of the check post building with the board of Agricultural Market committee and 1 male person found in another room, separate from the main building of the check post with the board of Forest Department and the remaining 5 persons are found sitting on the chairs in the three counters in the main hall of the said check post building. Among them a person was found in uniform along with another person who is operating the computers in the last counter. The remaining two counters are manned by the officials in civil dress. It is also observed that the counter of Excise Department is found unmanned and it is locked.

The integrated check post is located at Purushottapuram village on the outskirts of Ichapuram on the NH-5 road, at the inter-state border of Andhra Pradesh and Orissa, states. The DSP deputed his staff members to guard all the counters. When the DSP questioned about the in-charge of the check post, the Govt. servant informed that Sri V.Appala Naidu, DCTO is the Administrative officer and in charge of the check post from 10.00 hours to 17.00 hrs in the day time and the concerned senior ACTO will be in charge of the check post during night. At that time he was in-charge of the check post. Following personnel are found present in the Integrated Check Post:

COMMERCIAL TAX DEPARTMENT:

1. Sri Damburu Behara S/o late Radhakrishna Behara, 58 yrs, ACTO (Counter-2).
2. Annepu Yathiraju S/o late Krishnarao, 38 yrs, Junior Assistant, Integrated check post, Purushottapuram. (Counter-2).

Contd.,2

3. Kuna Srinivas S/o Appalanaidu, 39 yrs, Junior Assistant (1st counter)

TRANSPORT DEPARTMENT:

1. Tallapalli Rajanna S/o late Sammaiah, 48 yrs, Motor vehicle Inspector, Integrated check post, Ichapuram.
2. Godaga Bhaskara Vijay Kumar S/o G.A.Naidu, 30 yrs, CMS, Computer Data Entry Operator, Transport Department, ICP, Purushottapuram.

AGRICULTURAL MARKET COMMITTEE:-

1. Arji Durgarao S/o late Appanna, 56 yrs, Assistant Market Supervisor, Agricultural Market Committee, Integrated check post, lchapuram.
2. Uppada Janakirao S/o Krishnamurthy, 42 yrs, Security Guard, Agricultural Market Committee, Integrated check post, Ichapuram.

FOREST DEPARTMENT:-

1. Bonela Ramana Murthy S/o late Karrenna, 52 yrs, Section Officer, Forest Department, Srikakulam Division, ICP, Ichapuram.

The DSP explained the purpose of their visit and also offered them to search the belongings of all the search party members before commencing the search. The said members declined to conduct personal search and allowed the search party to conduct search.

Then, the DSP along with other members of the search party searched all the counters, inside the check-post building, noticed currency notes in a cardboard box available by the side of Sri Kuna Srinivas, Junior Assistant, Commercial taxes Counter -1 of commercial tax department. The DSP got the said currency notes counted by one of the mediators Sri Annepu Kumarswamy and found it is Rs.1200/- for which the Jr. Asst., did not give any explanation and not accounted the same. The DSP seized the said currency notes amounting to Rs.1200/- found in cardboard box which is suspected to be an illegal amount.

The DSP secured the presence of the following drivers/cleaner of transport vehicles examined them.

1. Sri Shaik Baji S/o Alla Bakshi, 32 yrs, Driver of lorry bearing NO.AP.27 TT 9988 R/o Karlapalem, Bapatla, Guntur Dist.
2. Sri Madagala Venkataramana S/o Chinna Ramana, 38 yrs, Driver of lorry, bearing No.GJ 13 0699 R/o peddamedaka colony, Anandhapuram, Parawada Mandal, Visakhapatnam Dist.
3. Sri Bokka Matharayya S/o Bapanayya, 30 yrs, Driver of lorry bearing NO.AP.16 TD 5962 R/o Pesalapudi, Ravulapalem, East Godhavari Dist.
4. Sri Shaik Akbar All S/o All Sahab, Driver of lorry bearing No. AP 01 X 3411 R/o Atmakur, Karnool Dist.
5. Sri Chintapalli Sattibabu S/o Siva Satyannarayana, 35 yrs, Driver of lorry bearing NO.AP.37 TA 5688 R/o Ponnada, Bhimavaram, West Godhavari District.
6. Sri Petiti Srinivasarao S/o Suryanarayana, Driver of lorry bearing NO.AP.31 TB 2227 R/o Aki veedi, Yaatham vari street, West Godhavari.
7. Sri Gundu Nageswararao S/o Sydulu, Driver of lorry bearing NO.AP.24 TC 3369 R/o Ranigudem village, Garadepalli Mandal, Nalgonda District.
8. Sri Akkireddi Chellarao S/o Raminaidu, Driver of lorry bearing No AP31 TD 6138 R/o Akkireddi Palem, Pendurthy Mandal, Visakhapatnam District.
9. Sri Saladi Narasingarao S/o Devudu, Driver of lorry bearing NO.AP.31 TD 8282 R/o Akkireddi Palem, Pendurthy Mandal, Visakhapatnam District.

Contd.,3

10. Sri Guttula Govindh S/o Konda, 45 yrs, Cleaner of AP 27 V 1699 R/o Drivers colony, Jagannadhapuram, Kakinada.
11. Sri Challa Kondababu S/o Sai, 25 yrs, Cleaner of AP 05 TU 9459 R/o Swamy Nagar, Prathipanagar Bridge, Kakinada.

On examination, they have categorically stated that the check post officials used to demand them to pay bribe/mamools ranging from Rs.20 to 500/- for passing their vehicles through the check post without causing any undue obstructions in verification of their vehicle records, permits and other documents and on the date of surprise check also they came to check post and paid the bribe amounts.

During the course of Surprise Check it is noticed that cash of Rs.4,800/- was given by the drivers/cleaners of vehicles from 4 AM to 7 AM on 18.1.2014 at Counter-1 of Commercial Tax department in various denominations ranging from Rs.20/- to 100/- totaling to Rs.4,800/- from the drivers/cleaners of the transport vehicles passing through the check post.

The DSP seized the said cash suspected to be illegal amount collected at the counters of check-post by officials.

The DSP seized the following records from the Check-post.

1. Attendance Register for the month of January, 2014.
2. Duty Register containing page written pages Nos.1 to 51.
3. Personal Cash Declaration Register containing page Nos 1 to 50 maintained from 29.12.2013.

The check post officials supposed to check each and every vehicle passing through the check post, to find out whether there were any violations under M.V.Act and rules, Commercial Tax Act etc., and they are supposed to collect the tax dues accordingly, but they are allowing the vehicles to pass through check-post without verifying by abuse of their official position, collecting bribes thereby causing huge loss to the Govt. exchequer.

The Government servant who is in-charge for 17/18-01-2014 night from 9 PM to 7 AM at the check post indulged in collecting mamools through his subordinates, from the transport crew ranging from Rs. 20/- to Rs.500/- passing through the integrated check post thereby exhibited lack of integrity and devotion to his duty and thereby gave much scope to the staff to indulge in corrupt practices at all levels.

Thus the said Govt. Servant by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a member of service and thereby contravened Rule 3(1) (2) & (5) of APCS (Conduct) Rules, 1964.

The GS has therefore rendered himself liable for regular departmental action.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH ARTICLES OF CHARGES FRAMED AGAINST SRI DAMBURU BEHARA S/O RADHAKRISHNA BEHARA, ASSISTANT COMMERCIAL TAX OFFICER, INCHARGE ADMINISTRATIVE OFFICER, INTEGRATED CHECKPOST, PURUSHOTTAPURAM, ICHAPURAM MANDAL, SRIKAKULAM DISTRICT IN SC.NO. 1/SC-ACB/VZM/2014 OF ACB, VIZIANAGARAM RANGE.

1	Original Surprise Check Proceedings Dated: 18-01-2014 at 0030 hrs to 0715 hrs drafted at Integrated Check Post, Purushottapuram, lchapuram of Srikakulam District Containing pages 1 to 5.
2	Attendance Register maintained from January-2014, perused the register, maintained for all the officers and staff working round the clock and sanctioned leave letters of the staff of ICP, Purushottapuram.
3	Duty Register containing written Page Nos 1 to 51 maintained from 29.12.2013. Perused the register, found the details of the persons, attended the duty page No.51.
4	Personal cash declaration register (Money Register) contained written Pages ; NO.1 to 50, maintained from 29.12.2013. Perused the Page No.50 of the register, among the available staff members of ICP, Purushottapuram for the night from 9 PM of 17.01.2014 to 7 AM of 18.01.2014.
5	Statement of Sri. Shaik Baji S/o Alla Bakshi, 32 yrs, Driver of lorry bearing NO.AP.27 TT 9988 R/o Karlapalem, Bapatla, Guntur Dist.
6	Statement of Sri. Madagala Venkataramana S/o Chinn4 Ramana, 38 yrs, Driver of lorry bearing No.GJ 13 0699 R/o peddamedaka colony, Anandhapuram, Parawada Mandal, Visakhapatnam Dist.
7	Statement of Sri Bokka Matharayya S/o Bapanayya, 30 yrs, Driver of lorry bearing NO.AP.1 TD 5962 R/o Pesalapudi, Ravulapalem, East Godavari Dist.
8	Statement of Sri Shaik Akbar Ali S/o Ali Sahab, Driver of lorry bearing No. AP 01 X 3411 R/o Atmakur, Kurnool Dist.
9	Statement of Sri Chintapalli Sattibabu S/o Siva Satyannarayana, 35 yrs, Driver of lorry bearing NO.AP.37 TA 5688 R/o Ponnada, Bhimavaram, West Godavari District.
10	Statement of Sri Petiti Srinivasarao S/o Suryanarayana, Driver of lorry bearing NO.AP.31 TB 2227 R/o Aki veedi, Yaatham vari street, West Godavari.
11	Statement of Sri Gundu Nageswararao S/o Sydulu, Driver of lorry bearing NO.AP.24 TC 3369 R/o Ranigudem village, Garadepalli Mandal, Nalgonda District.
12	Statement of Sri Akkireddi Chellarao S/o Raminaidu, Driver of lorry bearing No. AP31 TD 6138 R/o Akkireddi Palem, Pendurthy Mandal, Visakhapatnam District.
13	Statement of Sri Saladi Narasingarao S/o Devudu, Driver of lorry bearing NO.AP.31 TD 8282 R/o Akkireddi Palem, Pendurthy Mandal, Visakhapatnam District.
14	Statement of Sri Guttula Govindh S/o Konda, 45 yrs, Cleaner of AP 27 V 1699 R/o Drivers colony, Jagannadhapuram, Kakinada.
15	Statement of Sri Challa Kondababu S/o Sai, 25 yrs, Cleaner of AP 05 TU 9459 R/o Swamy Nagar, Prathipanagar Bridge, Kakinada.
16	Reply from Administrative Officer, ICP, lchapuram vide Rc.No. 6/2014, HC Dated 02-04-2014.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM ARTICLES OF CHARGES FRAMED AGAINST SRI DAMBURU BEHARA S/O RADHAKRISHNA BEHARA, ASSISTANT COMMERCIAL TAX OFFICER, INCHARGE ADMINISTRATIVE OFFICER, INTEGRATED CHECKPOST, PURUSHOTTAPURAM, ICHAPURAM MANDAL, SRIKAKULAM DISTRICT IN SC.NO. 1/SC-ACB/VZM/2014 OF ACB, VIZIANAGARAM RANGE.

1	Sri Annepu Kumara Swamy S/o Krishna Murthy, 54 yrs, Assist BC Welfare Officer, Srikakulam.
2	Sri Hanumanthu Venkata Satyannarayana, S/o Suryarao, 27 yrs, Building Inspector, Municipal Office, Srikakulam, R/o Gopalarapuram Village, Palasa Mandal. They stated about their presence as official mediators at the time of surprise check conducted on the intervening night of 17/18-01-2014 from 0030 AM at Integrated Check Post Purushottapuram, Itchapuram and etc facts.
3	Sri Shaik Bji S/o Alla Bakshi, 32 yrs, Driver of lorry bearing No.AP.27 TT 988 R/o Karlapalem, Bapatla, Guntur Dist.
4	Sri Madagala Venkataramana S/o Chinna Ramana, 38 yrs, Driver of lorry bearing No.GJ 13 0699 R/o peddamedaka colony, Anandhapuram, Parawada Mandal, Visakhapatnam Dist.
5	Sri Bokka Matharayya S/o Bapanayya, 30 yrs, Driver of lorry bearing No.AP 1 TD 5962 R/o Pesalapudi, Ravulapalem, East Godavari Dist.
6	Sri Shaik Akbar Ali S/o Ali Sahab, Driver of lorry bearing No.AP01X3411 R/o Atmakur, Kurnool Dist.
7	Sri Chintapalli Sattibabu S/o Siva Satyanarayana, 35 yrs, Driver of lorry bearing No.AP37 TA 5688 R/o Ponnada, Bhimavaram, West Godavari Dist.
8	Sri Petiti Srinivasarao S/o Suryanarayana, Driver of lorry bearing No.AP.31 TB 2227 R/o Aki veedi, Yaatham vari street, West Godavari.
9	Sri Gundu Nageswararao S/o Sydulu, Driver of lorry bearing No.AP.24 TC 3369 R/o Ranigudem Village, Garadepalli Mandal, Nalgonda District.
10	Sri Akkireddi Chellarao S/o Raminaidu, Driver of lorry bearing No.AP31 TD 6138 R/o Akkireddi Palem, Pendurthy Mandal, Visakhapatnam District.
11	Sri Saladi Narasingarao S/o Devudu, Driver of lorry bearing No.AP31 TD282 R/o Akkireddi Palem, Pendurthy Mandal, Visakhapatnam District.
12	Sri Guttula Govindh S/o Konda, 45 yrs, Cleaner of AP 27 V 1699 R/o Drivers colony, Jaganadhapuram, Kakinada.
13	Sri Challa Kindababu S/o Sai, 25 yrs, Cleaner of AP 05 TU 9459 R/o Swamy Nagar, Prathipanagar Bridge, Kakinada. Witnesses 3 to 13 speaks that the check post officials used to demand them to pay bribe/mamools ranging from Rs.20 to 500/- for passing their vehicles through check post without causing any undue obstructions in verification of their vehicle records, permits and other documents and on the date of surprise check also they came to check post and paid the bribe amounts.
14	Sri D.Ramesh, ACB, Vizianagaram Range.
15	Sri S.Laxmoji, ACB, Vizianagaram Range.
16	Sri Shaik Ghouse Azad, Inspector, ACB, Vizianagaram Range. Witnesses 14 to 16 are the ACB officials and they speak to the facts of their assisting to DSP, ACB, Visakhapatnam Range in the surprise check which was conducted on the intervening night of 17/18-01-2014 against Integrated Check Post, Purushottapuram, Itchapuram and their observation in disguise during the surprise check at transport counters and collection of mamools from the transport drivers and etc facts.

Contd.,2

17	Sri Ch.Laxmipathi, Deputy Supdt. Of Police, ACB, Vizianagaram Range. He speaks to the facts of his supervision of surprise check against the Integrated Check Post, Itchapuram on the intervening night of 17/18-01-2014 from 0030 hours to 0715 hours and about the collection of mamools by the officials of check post from the transport drivers, seizure of amount and relevant documents and registers during the proceedings etc., facts.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER